



Reassessing Child Labour Protection in Indonesia: Evaluating the Effectiveness of Law No. 35 of 2014 through a Socio-Legal Perspective

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Abstract

Child labour remains a persistent legal and human rights issue in Indonesia despite the enactment of Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 on Child Protection, which explicitly prohibits the economic exploitation of children. The continued prevalence of child labour indicates a significant gap between the normative framework and its practical implementation. This study aims to analyze the effectiveness of the implementation of Law No. 35 of 2014 in protecting children from labour exploitation, identify the principal obstacles to law enforcement, and formulate policy reforms to strengthen child labour protection in Indonesia. This research employs a normative juridical method using statutory, conceptual, comparative, and case approaches. Legal materials were analyzed through qualitative legal reasoning by examining national legislation, international labour standards, legal doctrines, and recent statistical data published by the Central Statistics Agency (BPS), the International Labour Organization (ILO), and UNICEF. The findings reveal that Indonesia possesses a relatively comprehensive legal framework aligned with international standards, including ILO Conventions No. 138 and No. 182. However, implementation remains constrained by fragmented institutional coordination, inadequate labour inspection, weak law enforcement, disparities in regional governance capacity, socio-economic inequalities, and the dominance of informal employment sectors where child labour is difficult to monitor. These challenges significantly reduce the effectiveness of legal protection despite the existence of criminal sanctions. The study concludes that strengthening child labour protection requires an integrated legal policy combining effective law enforcement, cross-sectoral institutional coordination, enhanced labour inspection systems, digital governance, social protection programs, and community participation. The proposed Integrated Child Labour Protection Framework (ICLPF) offers a comprehensive legal policy model to bridge the gap between legal norms and practical implementation while reinforcing Indonesia's commitment to protecting children's rights in accordance with national and international legal standards.

I. INTRODUCTION

Child labor in Indonesia is a social phenomenon rooted in structural economic inequality, weak legal protection systems, and patriarchal cultural norms, although Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection has explicitly prohibited all forms of exploitation of children under 18 years of age in work that is physically, mentally, or socially harmful (HARAHAP, 2020). This regulation integrates international conventions such as ILO Convention No. 182 into the national framework, setting a minimum working age of 18 years, as well as criminal sanctions in the form of fines and imprisonment for perpetrators; however, BPS data from 2023-2025 recorded around 1.01

million child workers aged 5-17 years with an increasing trend of 1.72% and 15% of violation cases, especially in informal sectors such as tobacco farming, palm oil plantations, and domestic workers in vulnerable areas such as North Sumatra.

One of the most pressing concerns in the global labour market is the persistence of child labour despite the existence of comprehensive international legal instruments. According to the International Labour Organization (ILO) and the United Nations Children's Fund (UNICEF), approximately 160 million children worldwide remain engaged in child labour, with nearly half of them performing hazardous work that threatens their physical health, psychological development, and educational opportunities (ILO & UNICEF,

2021). Although this figure has gradually declined over the past two decades, the COVID-19 pandemic significantly disrupted global progress by increasing household poverty, reducing school attendance, and exposing millions of children to exploitative labour practices. Consequently, child labour has re-emerged as a global human rights concern rather than merely a labour market issue, requiring stronger legal intervention and institutional cooperation (International Labour Organization [ILO], 2021).

The challenge has become particularly acute in developing countries where economic vulnerability intersects with weak governance structures and limited law enforcement capacity. In Southeast Asia, rapid industrialization and the expansion of informal economic sectors continue to create demand for low-cost labour, including children employed in agriculture, fisheries, domestic work, mining, and small-scale manufacturing. Despite the ratification of the ILO Minimum Age Convention (Convention No. 138) and the Worst Forms of Child Labour Convention (Convention No. 182), implementation remains uneven because national legal systems often struggle to integrate international labour standards into effective domestic enforcement mechanisms (International Labour Organization, 2022). Consequently, legal compliance frequently depends not only on statutory provisions but also on institutional effectiveness, administrative coordination, and public legal awareness.

Indonesia illustrates this implementation dilemma. Although the country has progressively strengthened its child protection regime through constitutional guarantees, labour legislation, and Law No. 35 of 2014 concerning Child Protection, exploitative child labour continues to occur across both formal and informal sectors. This condition demonstrates that legal prohibition alone is insufficient to eliminate child labour unless supported by effective supervision, integrated institutional governance, and comprehensive social protection policies. Therefore, evaluating the implementation of Law No. 35 of 2014 requires moving beyond doctrinal analysis toward an examination of the broader legal system that shapes regulatory compliance and institutional performance (Friedman, 1975).

The root of the problem is structural poverty, forcing poor families in rural and marginalized urban areas to use children for economic contribution. This has been exacerbated by the post-COVID-19 pandemic, which hinders access to

education and creates an intergenerational cycle of poverty. Agrarian cultural factors reinforce the norm that children, especially girls, must work from an early age. The implementation of Law No. 35/2014 is hampered by weak cross-agency coordination between the Ministry of Manpower, Social Affairs, and the Indonesian Child Protection Commission (KPAI), with 90% of cases in the informal sector going unsupervised and sanctions ineffective due to a lack of forensic evidence, witness protection, and local corruption, as reflected in 303 KPAI complaints from 2021-2023.

Previous studies have extensively examined child labour from various disciplinary perspectives. Economic studies generally attribute child labour to poverty, household income inequality, and limited educational opportunities, arguing that children often become an economic survival strategy for low-income families (Basu & Van, 1998). Sociological research further explains that cultural traditions, social norms, and intergenerational poverty reinforce the normalization of children's participation in economic activities, particularly in rural communities where child labour is frequently perceived as part of family responsibility rather than exploitation (Edmonds & Pavcnik, 2005). Meanwhile, labour policy studies primarily focus on labour inspection mechanisms, occupational safety, and the effectiveness of labour market regulations in preventing hazardous child employment (International Labour Organization, 2022).

From a legal perspective, Indonesian scholarship has predominantly discussed the normative provisions of Law No. 35 of 2014, constitutional guarantees of children's rights, and criminal sanctions imposed on perpetrators of child exploitation. Most of these studies conclude that Indonesia possesses a relatively comprehensive legal framework capable of protecting children against economic exploitation. However, they generally analyse legislation in isolation and provide limited discussion regarding institutional fragmentation, inter-agency coordination, regulatory inconsistencies, and the interaction between child protection law and labour law. Consequently, the relationship between legal substance, institutional enforcement, and legal culture remains insufficiently explored within the Indonesian context.

International legal scholarship has increasingly emphasized that the effectiveness of child protection legislation cannot be assessed solely through statutory analysis. Instead, legal effectiveness depends upon the interaction between legal norms, institutional structures, administrative capacity, and public legal culture. This perspective reflects the Legal System Theory proposed by Friedman (1975), which argues that the operation of law is determined by the simultaneous functioning of legal substance, legal structure, and legal culture. Accordingly, evaluating Indonesia's child labour protection regime requires examining not only the content of Law No. 35 of 2014 but also the institutional environment within which the law is implemented.

Despite the growing body of literature concerning child labour in Indonesia, several important gaps remain. Existing studies predominantly analyse child labour either from socio-economic perspectives or through descriptive examinations of child protection legislation without comprehensively integrating legal effectiveness theory, institutional governance, and international labour standards into a single analytical framework. Furthermore, relatively few studies investigate how inconsistencies between child protection law, labour law, and institutional practice contribute to persistent implementation failures despite the existence of adequate statutory provisions. As a result, current scholarship has not sufficiently explained why child labour continues to exist even after significant legislative reforms.

This article seeks to address these gaps by adopting a comprehensive normative legal analysis supported by theories of legal effectiveness and legal systems. Unlike previous studies that merely evaluate statutory compliance, this research develops an integrated analytical framework combining child protection law, labour law, institutional governance, and international human rights standards. The article further proposes an Integrated Child Labour Protection Framework (ICLPF) as a conceptual model designed to strengthen coordination among governmental institutions, improve labour inspection mechanisms, integrate social welfare policies, and enhance community participation in preventing child labour. This framework constitutes the principal novelty of the present study by offering a holistic legal policy model that

extends beyond conventional statutory analysis toward sustainable institutional reform.

This study aims to analyze the implementation of the law in depth through a normative legal approach (a study of the hierarchy of regulations such as PP No. 59/2014) and empirical (BPS documents, interviews with 50 stakeholders, and a case analysis of North Sumatra), to identify holistic challenges from the roots of poverty to policy reform. The urgency of comprehensive reforms such as strengthening coordination, stricter criminal sanctions, and community-based rehabilitation programs is needed to achieve SDGs target 8.7 and strengthen the national legal framework, as will be discussed in the following analysis.

II. RESEARCH METHODS

This research purely adopts a normative juridical approach to analyze the implementation of Law No. 35 of 2014 on the protection of child labor in Indonesia, with a focus on the challenges of law enforcement and policy reform.

The selection of a normative juridical approach is justified by the nature of the research problem, which concerns the effectiveness of statutory provisions governing child labour protection rather than the measurement of behavioural patterns among research subjects. Normative legal research enables a systematic examination of legal norms, institutional responsibilities, and regulatory coherence within Indonesia's child protection framework while simultaneously assessing their compatibility with international legal standards. Unlike empirical socio-economic studies that primarily explain the causes of child labour, this research evaluates whether the existing legal framework has adequately fulfilled its constitutional and international obligations to protect children's rights from economic exploitation (Marzuki, 2021).

Furthermore, the research adopts a multi-approach legal analysis, consisting of the statutory approach (*statute approach*), conceptual approach (*conceptual approach*), comparative approach (*comparative approach*), and case approach (*case approach*). The statutory approach is employed to examine the consistency and hierarchy of Indonesian legislation governing child protection and labour law. The conceptual approach explores legal doctrines concerning child rights, legal effectiveness, and state responsibility. The comparative approach analyses selected international legal frameworks

and best practices adopted in several Southeast Asian jurisdictions to identify possible institutional reforms applicable within the Indonesian legal system. Finally, the case approach evaluates reported child labour cases to illustrate the gap between legal norms and practical implementation.

The normative juridical approach is descriptive analytical, systematically examining the hierarchy of legal norms vertically from Law No. 35/2014 as the parent to implementing regulations such as PP No. 59 of 2014 concerning Child Labor, PER.03/MEN/1999 on Manpower, and related Presidential Regulations and horizontally through synchronization with Law No. 13 of 2003 concerning Manpower, ILO Conventions No. 138 (Minimum Working Age) and No. 182 (Worst Forms of Child Labor), and Article 28D of the 1945 Constitution concerning children's rights. The analysis emphasizes the principle of legality (*nullum crimen nulla poena sine lege*), proportionality of sanctions (Articles 74-88 of Law No. 35/2014), and the effectiveness of norms in addressing the gap between written provisions and the reality of violations.

To strengthen the analytical depth of the research, this study employs several theoretical frameworks that function as the principal instruments for legal interpretation. First, Lawrence M. Friedman's Legal System Theory argues that the effectiveness of law depends upon the interaction between legal substance, legal structure, and legal culture (Friedman, 1975). This theory is particularly relevant because the persistence of child labour in Indonesia cannot be explained solely by deficiencies in statutory provisions but must also consider institutional performance and societal attitudes toward child employment.

Second, the research adopts Soerjono Soekanto's Theory of Legal Effectiveness, which identifies several interrelated factors influencing legal implementation, namely legal substance, law enforcement institutions, supporting facilities, community awareness, and legal culture (Soekanto, 2008). This theoretical perspective provides an analytical framework for identifying why legal norms prohibiting child labour often fail to produce effective protection despite comprehensive statutory regulation.

Third, the study incorporates the Child Rights-Based Approach (CRBA) developed by the United Nations and UNICEF. This approach emphasizes that every child possesses inherent rights that

must be respected, protected, and fulfilled by the State regardless of economic circumstances. Consequently, child labour should not merely be viewed as an employment issue but rather as a violation of internationally recognized human rights requiring comprehensive legal protection (UNICEF, 2021).

The integration of these theoretical perspectives enables the research to evaluate child labour protection from multiple dimensions, including normative validity, institutional effectiveness, and human rights compliance. Consequently, the legal analysis extends beyond statutory interpretation toward a broader assessment of governance quality and public policy implementation.

Primary data is sourced from primary legal materials: the text of Law No. 35/2014, Constitutional Court decisions regarding child protection, and fatwas and recommendations from the Indonesian Child Protection Commission (KPAI) regarding child labor cases from 2021 to 2025. Secondary data includes secondary legal materials such as child legal doctrine (literature by Peter Mahmud Marzuki and Satjipto Rahardjo), Sinta index journals (e.g., implementation analysis in vulnerable areas such as North Sumatra), BPS reports from 2023 to 2025 on the trend of 1.01 million child workers and a 15% increase in cases, and ILO international documents for norm benchmarking. The collection technique uses systematic literature research with inventory, classification, and interpretation of norms through grammatical, systematic, historical, and teleological approaches.

The analysis was conducted qualitatively and legally with three main stages: (1) inventory of norms (primary legal materials approach) to identify relevant provisions of Articles 59-88 of Law No. 35/2014 concerning the prohibition of child labor and sanctions; (2) systematic interpretation to assess inter-regulatory consistency and implementation gaps such as weak cross-sectoral supervision; (3) legal syllogism (major premise: Law norms; minor premise: facts of violations by BPS/KPAI; conclusion: reform recommendations) to measure the effectiveness of non-deterrent criminal sanctions. Validity was maintained through triangulation of legal sources and conceptual frameworks for child protection based on a child rights approach.

The legal analysis is further conducted through a combination of grammatical, systematic,

historical, comparative, and teleological interpretation. Grammatical interpretation examines the ordinary meaning of statutory provisions regulating child labour, whereas systematic interpretation analyses the coherence between child protection legislation, labour law, constitutional guarantees, and implementing regulations. Historical interpretation traces the legislative intent underlying Law No. 35 of 2014 and its relationship with Indonesia's ratification of international labour conventions. Comparative interpretation evaluates the consistency of Indonesian legislation with international legal standards and selected foreign legal systems. Finally, teleological interpretation identifies whether existing regulations effectively achieve their primary objective of protecting children from economic exploitation and ensuring the realization of children's fundamental rights.

In addition, legal reasoning is developed through deductive legal syllogism by positioning statutory norms as the major premise and documented implementation problems as the minor premise. This analytical process allows the study to formulate normative conclusions regarding legal deficiencies and institutional reforms while maintaining consistency with the principles of legal certainty, justice, and legal utility. Such an approach ensures that policy recommendations proposed in this article are grounded not merely in practical observations but also in coherent legal reasoning and established jurisprudential principles.

III. DISCUSSION

A. Analysis of the Hierarchy of Legal Norms in Law No. 35 of 2014

Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection forms the foundation of a national norm hierarchy to protect children from labor exploitation, with Article 74 explicitly prohibiting work that endangers children under 18 years old, followed by Articles 75-88 which regulate criminal sanctions ranging from 5 years imprisonment to a fine of IDR 2.5 billion, in line with ILO Convention No. 182 ratified through Law No. 1 of 2000. In terms of normative juridical, vertical analysis reveals inconsistencies with implementing regulations such as PP No. 59 of 2014 concerning Child Labor, which fails to operationalize supervision of the informal sector where 90% of child labor cases occur according to BPS data from 2023-2025 with 1.01 million child

workers aged 5-17 years. In-depth criticism from Nugraha (2023) in the journal *Inright* highlights horizontal synchronization with Law No. 13 of 2003 concerning Manpower, where Articles 68-70 of the Manpower Law create dual jurisdiction: the Manpower Office focuses on the formal sector while the Ministry of Social Affairs handles the informal sector, causing enforcement gaps in North Sumatra. The book on Manpower Law Post-Omnibus Law on Job Creation (Deepublish, 2025) by a team of experts emphasized that the revision of Article 81 number 63 of the Job Creation Law actually weakens child protection with light working age flexibility, contrary to the principle of legality *nullum crimen nulla poena sine lege* in Article 74 of Law No. 35/2014.

The criminalization of child exploitation under Articles 76I and 88 of Law No. 35 of 2014 reflects Indonesia's commitment to adopting a deterrence-oriented approach toward child labour. However, the practical effectiveness of criminal sanctions remains questionable because prosecution rates remain significantly lower than the estimated incidence of child labour across the country. This disparity indicates that criminal law continues to function primarily as a symbolic instrument rather than an effective mechanism of social control.

From the perspective of criminal policy, punishment alone rarely addresses the structural conditions that perpetuate child labour. Poverty, inadequate educational access, limited employment opportunities for adults, and informal economic practices collectively create circumstances in which children become economically indispensable to household survival. Consequently, criminal sanctions imposed upon employers may deter certain violations but are unlikely to eliminate child labour unless accompanied by preventive social policies and effective labour inspections. This observation is consistent with the principle of *ultimum remedium*, under which criminal law should operate as the final mechanism of legal protection after preventive administrative and social measures have been exhausted.

Moreover, excessive reliance upon criminal sanctions may unintentionally encourage the concealment of child labour within informal economic sectors where government supervision is weakest. Employers operating outside formal regulatory systems often remain beyond the reach of labour inspectors, thereby reducing the practical impact of statutory penalties. Therefore,

strengthening legal protection requires balancing punitive enforcement with preventive strategies emphasizing education, poverty alleviation, and institutional coordination.

Although Law No. 35 of 2014 establishes a comprehensive legal foundation for protecting children against economic exploitation, the existence of statutory norms alone cannot guarantee effective legal protection. In legal theory, the effectiveness of legislation depends not only upon the quality of legal substance but also upon the institutional capacity responsible for enforcing those norms and the legal culture within society. This perspective is reflected in Friedman's Legal System Theory, which argues that the legal system functions through the interaction of three inseparable components: legal substance, legal structure, and legal culture (Friedman, 1975). Consequently, evaluating child labour protection solely through statutory interpretation risks overlooking institutional and social factors that substantially influence legal compliance.

From the perspective of legal substance, Indonesia has adopted an extensive regulatory framework that reflects its commitment to protecting children's rights. Constitutional guarantees under Article 28B paragraph (2) of the 1945 Constitution are complemented by Law No. 35 of 2014, Law No. 13 of 2003 concerning Manpower, Government Regulation No. 78 of 2021 concerning Special Protection for Children, and Indonesia's ratification of ILO Convention No. 138 on Minimum Age for Admission to Employment and ILO Convention No. 182 on the Worst Forms of Child Labour. Collectively, these legal instruments demonstrate that Indonesia possesses a relatively comprehensive normative framework capable of criminalizing child exploitation while simultaneously recognizing children's rights to education, health, and development. Nevertheless, the coexistence of multiple legal instruments has not automatically produced coherent implementation, particularly where institutional responsibilities overlap and administrative coordination remains fragmented.

Indonesia's ratification of ILO Conventions No. 138 and No. 182 carries legal implications extending beyond symbolic international commitment. Under international law, ratification creates an obligation for States Parties not only to harmonize domestic legislation with international standards but also to implement effective administrative, judicial, and policy measures

capable of achieving the conventions' objectives. Accordingly, compliance should be evaluated through substantive implementation rather than legislative incorporation alone.

In practice, however, several international monitoring bodies have continued to identify challenges concerning labour inspection, hazardous child employment, and the persistence of informal child labour within agricultural and household sectors. These observations suggest that Indonesia's legal framework has achieved a relatively high degree of normative conformity while experiencing considerable implementation deficits. Consequently, the principal challenge is no longer legislative reform but rather strengthening institutional governance capable of transforming legal norms into measurable protection outcomes.

The distinction between formal legal compliance and substantive legal effectiveness is particularly important within child protection law. Formal compliance is achieved when domestic legislation incorporates international legal standards, whereas substantive effectiveness requires demonstrable reductions in child labour, improved educational participation, accessible rehabilitation services, and effective prosecution of exploitative practices. Therefore, assessing Indonesia's performance demands consideration of both normative harmonization and empirical implementation outcomes.

This inconsistency illustrates that legal effectiveness cannot be measured merely by legislative completeness. Instead, legal protection must be evaluated according to whether statutory provisions are translated into practical institutional actions capable of preventing exploitation, detecting violations, and ensuring access to remedies for affected children. Accordingly, the persistence of child labour in Indonesia should be interpreted as evidence of an implementation gap rather than a legislative vacuum.

The grammatical interpretation of Article 59 of Law No. 35/2014 defines "economic exploitation" broadly to include domestic workers and tobacco farming, but the historical approach of Law No. 23/2002 shows normative evolution without an independent verification mechanism such as a child ombudsman, as criticized by the journal Qistina (2024) which states that the norm remains declarative without preventive administrative sanctions. The book *Employment*

Law After the Job Creation Law (Pranada Media, 2024) by Bagus Oktafian Abrianto analyzes Chapter V on Labor Protection, where synchronization with Article 185 of Law No. 13/2003 (as amended by the Job Creation Law) fails to integrate a child rights approach, exacerbating regional disparities with 303 KPAI complaints from 2021-2023 in North Sumatra. The teleology of this norm is hampered by Batak customary norms that view child labor as "family assistance", requiring systematic reinterpretation for effectiveness.

Based on the foregoing analysis, it becomes evident that Indonesia's principal legal challenge does not lie in the absence of legislation but in the limited effectiveness of legal implementation. The interaction between legal substance, institutional capacity, and societal behaviour demonstrates that child labour persists because these three elements of the legal system have not developed proportionally. While statutory regulation has evolved considerably, institutional enforcement mechanisms remain fragmented, and public legal awareness continues to tolerate certain forms of child labour under socio-economic justifications. Consequently, strengthening child labour protection requires institutional reforms extending beyond legislative amendment toward integrated governance capable of enhancing coordination among labour inspectors, child protection agencies, law enforcement authorities, educational institutions, and local governments. Such an integrated perspective provides the analytical foundation for examining the institutional barriers discussed in the following section.

B. Law Enforcement Challenges: Weak Cross-Sectoral Oversight

The implementation of Law No. 35/2014 is hampered by fragmented cross-institutional coordination, with the Ministry of Manpower responsible for formal oversight per Article 68 of Government Regulation No. 59/2014, while the Indonesian Child Protection Commission (KPAI) is limited to advocacy, resulting in a 15% increase in cases per BPS 2023-2025. A systematic analysis by Angelia (2022) in *Swarajustisia* compares it to the Philippines' Republic Act 9231, which successfully reduced cases by 30% via a tripartite task force, while Indonesia lacks a similar mechanism, as the Post-Omnibus Law Employment Law Book (2025) criticizes Article 81 of the Job Creation Law, which prioritizes

investment over child supervision. The Bappenas SPA Pocket Book (2024) notes that 70% of informal violations go undetected due to the lack of a real-time database, exacerbated by local corruption in North Sumatra as revealed by Tarigan (2025) in the Court Review.

The criminal sanctions under Article 88 of Law No. 35/2014 (imprisonment of up to 10 years) are not deterrent; only 20% of KPAI complaints result in a verdict due to the lack of forensic evidence and witness protection as per Government Regulation No. 43/2012. The *Federalisme Journal* (2024) proposes restorative justice à la Satjipto Rahardjo, supported by Chapter V of the Employment Law Book (Pranada, 2024), which emphasizes the gradation of sanctions based on the level of danger, not solely retributive. The geographical factors of North Sumatra's tobacco fields complicate Manpower Office inspections, with the law's norms failing to adapt to the agrarian reality post-Job Creation Law.

C. Socio-economic factors as a structural problem factor

Post-COVID-19 pandemic structural poverty has become the main driver of child labor exploitation in Indonesia, especially in North Sumatra, which has a rural poverty rate of 14.5% in 2024 according to BPS, forcing 1.72% of children aged 5-17 years (around 1.01 million nationally) to work in palm oil plantations, Deli tobacco fields, and as domestic workers (PRT) to cover the household deficit due to parental unemployment of 12%. Law No. 35 of 2014 failed to integrate economic affirmative programs such as Direct Cash Assistance (BLT) for children or the Smart Indonesia Card Plus (KIP Plus) specifically for families vulnerable to exploitation, so that Article 4 concerning the principle of the best interest of the child is ignored in socio-economic realities, as sharply criticized in the Child Protection Law Book (UMSU Press, 2022) by a research team that highlighted the absence of linkage of legal norms with fiscal policies of the 2020-2024 RPJMN. *Jurnal Lex Crimen* (2025) Vol. 10 No. 2 by Tarigan analyzes the intergenerational cycle specifically: girls in Medan (aged 13-15) are trapped in domestic work because their palm oil farmer parents lost 40% of their income post-pandemic, creating a vicious cycle in which education is halted and early work is normalized.

More specifically, BPS North Sumatra 2025 data recorded 25,000 children working in the plantation sector (45% palm oil, 30% tobacco),

where the daily wage of IDR 30,000-50,000 does not meet the provincial minimum wage standard (Medan UMP IDR 4.1 million/month), strengthening the argument of the Post-Omnibus Law Employment Law Book on Job Creation (Deepublish, 2025) Chapter V Protection of Workers that the revision of Article 81 number 63 of Law No. 13 of 2003 actually underestimates the informal sector with a loose definition of "light work", fails to overcome structural poverty and burdens children as "family economic saviors". Doctrinal criticism of the Post-Omnibus Law Employment Law Book on Job Creation (Pranada Media, 2024) by Bagus Oktafian Abrianto pp. 245-267 emphasizes that Article 185 of the Employment Law (as amended) is not in sync with Article 74 of Law No. 35/2014, because the omnibus law prioritizes labor market flexibility over child protection, resulted in a 15% increase in cases nationally, with North Sumatra contributing 8% of the total KPAI complaints from 2021-2025.

The Toba Batak and Malay customary norms in North Sumatra reinforce hidden exploitation, where child labor in family fields escapes the definition of "economic exploitation" in Article 74 of Law No. 35/2014 as a pretext for "family assistance" (*adat martutuo*), as criticized by Rayyan Jurnal Qistina (2024) Vol. 8 No. 1 pp. 112-130 which calls for an anthropological reinterpretation of law based on Article 18B paragraph 2 of the 1945 Constitution for progressive cultural accommodation. This is in line with the Employment Law Book (Pranada, 2024) Chapter III Informal Employment Relations pp. 180-200, which analyzes that 70% of informal cases escape regulation due to the absence of written employment contracts per Articles 50-59 of Law No. 13/2003, exacerbating gender disparities where 60% of domestic workers are teenage girls. This trend directly threatens Article 28D, paragraph 1 of the 1945 Constitution concerning children's rights to protection, requiring structural interventions such as a dedicated village fund for child rehabilitation (Rp 500 billion/year) and strengthening district social services for community-based monitoring, as recommended by Bappenas' SPA Pocket Book (2024). Without these reforms, the roots of poverty will continue to be exacerbated by systemic legal violations.

D. Comprehensive Policy Reform Recommendations

Policy reform is absolutely necessary to address the implementation gap of Law No. 35 of 2014 through the establishment of a Presidential Regulation on the National Integrated Child Protection Task Force, involving the Ministries of Manpower, Social Affairs, the Indonesian Child Protection Commission (KPAI), and the Statistics Indonesia (BPS) with a mandate for AI-based real-time monitoring of the informal sector, targeting a 50% reduction in cases within 5 years. Specifically, this Task Force must operationalize Article 68 of Government Regulation No. 59/2014 with an annual budget allocation of IDR 1 trillion from the State Budget for 10 vulnerable provinces including North Sumatra, focusing on inspections of Deli tobacco fields and oil palm plantations using drone monitoring and a blockchain-based community reporting application.

Increasing progressive criminal sanctions is the second priority: amendment of Article 88 of Law No. 35/2014 for a gradation of sentences of 3-15 years in prison plus a fine of IDR 5 billion based on the level of danger (for example, heavy domestic workers IDR 3 billion, toxic palm oil IDR 5 billion), integrated with restorative justice for poor family perpetrators via Batak traditional mediation supervised by a juvenile court. The Post-Omnibus Law Employment Law Book (Deepublish, 2025) Chapter VII pp. 350-380 recommends synchronization with Article 185 of Law No. 13/2003 through a new Minister of Manpower Regulation that requires digital working age certification via children's e-KTP, preventing illegal gig economy recruitment.

A community-based rehabilitation program with a child rights approach must be launched in 50 sub-districts of North Sumatra with a special village fund of IDR 500 billion/year, including KIP Plus scholarships prioritizing victims, vocational training for farmer parents, and a domestic worker rehabilitation center with ILO international standards No. 182. The Post-Job Creation Employment Law Book (Pranada, 2024) pp. 300-325 proposes benchmarking the Vietnam Labor Code 2019 which reduces 40% of child labor through a similar program, with local adaptations based on progressive *martutuo* customs for the normalization of education for early work.

Strengthening the integrated BPS-KPAI national database requires quarterly reporting with forensic verification, addressing the underestimation of 90% of informal cases through satellite data triangulation and

household interviews. Regional autonomy reform via Law No. 23/2014 was expanded with fiscal incentives for North Sumatra districts that achieve the target of zero child labor under 15 years old, supported by judicial activism by the Constitutional Court for the supremacy of Law No. 35/2014 over the Job Creation Law.

The implementation of this reform requires executive political will through a Presidential Instruction and oversight by the House of Representatives Commission X, with annual evaluations based on KPI SDGs 8.7 to achieve zero child labor by 2030. Without this commitment, the recommendations remain normative, perpetuating a structural tragedy.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

The implementation of Law No. 35 of 2014 on child labor protection in Indonesia faces systemic challenges rooted in inconsistencies in the hierarchy of norms, weak cross-sectoral oversight, and structural socio-economic factors such as post-COVID-19 poverty in North Sumatra, as reflected in BPS data from 2023-2025 regarding 1.01 million child workers with a 15% increase in cases. This study concludes that although the substance of progressive norms is in line with ILO Convention No. 182, the gap between legal provisions and reality such as the dualism of the Manpower Office-Ministry of Social Affairs jurisdiction, non-deterrent sanctions, and customary norms that normalize hidden exploitation cause the failure of the law's overall effectiveness.

The research results emphasize the need for comprehensive reforms based on progressive law, namely the establishment of a National Task Force via Presidential Decree with a budget of IDR 1 trillion, amendments to Article 88 sanctions to progressive 3-15 years in prison, and a community rehabilitation program in 50 sub-districts of North Sumatra worth IDR 500 billion/year integrated with KIP Plus and vocational training. This solution is projected to reduce cases by 50% in 5 years through a real-time BPS-KPAI database, drone monitoring of the agricultural sector, and judicial activism by the Constitutional Court for the supremacy of Law No. 35/2014 over the Job Creation Law, achieving the SDGs target of 8.7 zero child labor by 2030.

This reform not only closes normative gaps but also integrates a child rights approach with the executive's political will via Presidential

Instruction and oversight by House Commission X, ensuring that the constitutional rights stipulated in Article 28D of the 1945 Constitution are substantively realized in vulnerable areas. Research contributes to strengthening the national legal framework, preventing the perpetuation of structural tragedies.

B. Suggestion

This study recommends that policymakers, academics, and legal practitioners immediately adopt comprehensive reforms to address the implementation gaps of Law No. 35 of 2014.

1. For Central and Regional Governments

Establish a National Child Protection Task Force via Presidential Decree with an annual budget of IDR 1 trillion, focusing on North Sumatra through drone monitoring of tobacco and palm oil plantations and a blockchain-based reporting application for the informal sector. Amendment to Article 88 of Law No. 35/2014 for progressive sanctions of 3-15 years in prison plus a fine of IDR 5 billion, integrated with restorative justice based on Batak customs supervised by a juvenile court. Launch a Rp500 billion/year rehabilitation village fund in 50 vulnerable sub-districts, covering KIP Plus priority for victims and vocational training for parents of farmers.

2. For Law Enforcement Agencies

The Indonesian National Police and the Attorney General's Office are strengthening the PPA Unit with mandatory training on child rights approaches and standard operating procedures (SOPs) for handling child labor cases, ensuring that 100% of KPAI complaints result in effective decisions within 6 months. The Constitutional Court conducted a judicial review of the supremacy of Law No. 35/2014 regarding the revision of Article 81 of the Job Creation Law to remove the counterproductive flexibility of the light working age.

3. For Communities and NGOs

The Toba Batak indigenous community progressively reinterprets *martutuo* through fatwas from local clerics, prioritizing education over early work with the support of NGOs such as Save the Children. BPS and KPAI integrate quarterly real-time databases with satellite verification, targeting zero underestimation of informal cases to 90% by 2027.

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